IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1275 OF 2007

The State of Maharashtra ..Applicant

Vs.

Tukaram Ramchandra Patil ..Respondent

Mr. A.S. Shitole, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : September 06, 2007.

P.C.:

1. Heard Mr. Shitole the learned APP for the applicant-State. This is an application seeking leave to appeal under Section 378(3) of Cr.P.C. against the order of acquittal passed by the learned Special Judge at Kolhapur in Special Case No.17 of 2000.

2. The present respondent-accused has been acquitted of the charges under Sections 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988. The learned Special Judge, on

assessment of the evidence of the complainant PW 1 Shashikant Khade and PW 4 S.R. Chougule, Dy.S.P. held that it was a fake trap and PW 1 Khade was the person who was in the habit to visit public offices and to get his work done by illegal modes. The accused did not accede to his request and, therefore, he filed a false complaint allegedly at the instance of PW 5 M.S. Chougule. When the complaint of PW 1 was recorded and was decided to be acted upon by PW 4, PW 5 M.S. Chougule was never called for verifying whether he had, in fact, assigned any work to the complainant. In addition, it was also found on the basis of Exh.47 that the work of the vendee nor of the complainant was pending before the accused. It was also noted that the accused was consistent in his defence all along that he never demanded the money and it was PW 1 who tried to thrust the currency notes in his pocket and at that time PW 4 claimed to have effected the trap. The evidence went to show that it was a fake trap in which the accused was caught. The conclusions so drawn by the trial court do not call for any reconsideration at the hands of this court and, therefore, there is no case made out to grant

leave to appeal.

3. Hence, the application is rejected.

(B.H. Marlapalle,J.)